

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SOUNDVIEW COMMUNICATIONS, INC., No. C-13-3402 EMC

Plaintiff,

v.

**ORDER GRANTING DEFENDANT'S  
MOTION TO TRANSFER**

LOTUS MANAGEMENT, LLC, *et al.*,

**(Docket No. 6)**

Defendants.

Defendant the United States has moved the Court to transfer the above-referenced case to the Northern District of Georgia. The time for filing an opposition to the motion has expired, with no party filing an opposition.

Because the motion is unopposed, the Court concludes that a transfer is proper. Moreover, the United States's position is meritorious. First, Defendant Lotus Management, LLC was not entitled to remove the case to this Court because the case was initiated in a Georgia state court. *See* 28 U.S.C. §1441(a) (providing that a defendant is entitled to remove "to the district court of the United States for the district and division embracing the place where such action is pending"). Second, a transfer to the Northern District of Georgia rather than a remand back to the Georgia state court is appropriate because, absent the improper removal, the United States has stated that it would have removed the case to the federal court in Georgia. *Cf. id.* § 1406(a) (providing that "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought").

1 Accordingly, the United States's motion for transfer to the Northern District of Georgia is  
2 hereby **GRANTED**. The hearing on the motion is **VACATED**.

3 This order disposes of Docket No. 6.

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5 IT IS SO ORDERED.

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7 Dated: August 28, 2013



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EDWARD M. CHEN  
United States District Judge